

Notice of Allowability

Application No.

10/066,796

Examiner

Amea A. Shah

Applicant(s)

KAMON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Ex. Amdt of 3/9/07 and RCE of 2/8/07.
2. ☒ The allowed claim(s) is/are 1-3,5-8,10,11,13,15-19 and 22-27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 3/9/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Claims 1-3, 5-8, 10, 11, 13, 15-19 and 22-27 are pending in this action.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 19, 2007, has been entered.

Response to Amendment

Applicant's amendment, filed January 19, 2007, has been entered. Claims 1, 7, 8, 10, 13, 22, 24 and 25 have been amended. Claims 9, 12, 14, 20 and 21 were previously cancelled. Claim 4 has been cancelled. In view of the amendments, the objection to claim 24 is withdrawn.

Response to Arguments

Applicant's arguments, see Remarks, filed January 19, 2007, with respect to claim 4, the limitations of which have been incorporated into claim 1, that Feld does not disclose a dispose device for automatically selecting the article for comparison in accordance with a type and size of the commercial product have been fully considered and are persuasive. The rejection of claim 4 has been withdrawn.

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment relating to the claims was given in telephone interviews with Cameron Weiffenbach on March 14, 2007 and March 15, 2007.

The application has been amended as follows:

In the title:

The title of the application is amended to be the following:

Electronic Catalogue System, And Server, Program And Recording Medium Used In
~~Electronic Catalogue System~~ for Displaying on One Screen Images of a Commercial Product and
Articles for Comparison

In the claims:

Claim 1 has been amended to be the following:

An electronic catalogue system for displaying on one screen an image of a commercial product and an image of an article for comparison in order for a viewer of the one screen to acquire a visual recognition of the size of the commercial product as compared to the size of the article for comparison, comprising:

a server comprising

a reader configured to read ~~for reading~~ three-dimensional data of the commercial product and three-dimensional data of the article for comparison;

an observation image generator configured to generate ~~for generating~~ an observation image in which the image of the commercial product and the image of the article for comparison are located at predetermined positions based on the read three-dimensional data of the commercial product and three-dimensional data of the article for comparison; and

a selecting device configured to automatically select the article for comparison in accordance with a type and a size of the commercial product;

a displaying device configured to display ~~for displaying~~ the generated observation images
[[image]], the [[said]] displaying device including the said one screen on which the image of the commercial product and the image of the article for comparison are displayed under the same scale;

a terminal apparatus from which a positional relationship between the image of the commercial product and the image of the article of comparison on the screen can be changed by request of the terminal apparatus; and

~~a dispose device for automatically selecting the article for comparison in accordance with a type and a size of the commercial product[[:]]~~

~~wherein the image of the commercial product and the image of the article for comparison are displayed under a same scale on said one screen of the displaying device, and a positional relationship between the image of the commercial product and the image of the article for comparison on the screen can be changed by a request of a terminal apparatus~~

a communication line connecting the server and the terminal apparatus.

Claim 7 has been amended to be the following:

A server computer used in an electronic catalogue system for displaying on one screen an image of a commercial product and an image of an article for comparison in order for a viewer of the one screen to acquire a visual recognition of the size of the commercial product as compared to the size of the article for comparison, the server computer comprising;

three-dimensional data storing device configured to store ~~for storing~~ three-dimensional data of the commercial product and three-dimensional data of the article for comparison;

an observation image generator configured to generate ~~for generating~~ an observation image including the image of the commercial product and the image of the article for comparison, the image of the commercial product and the image of the article for comparison

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being based on the three-dimensional data of the commercial product and the three-dimensional data of the article for comparison stored in the three-dimensional data storing device;

a sender configured to send ~~for sending~~ the generated image of the commercial product and the generated image of the article for comparison; and

~~a dispose device for automatically selecting the article for comparison in accordance with a type and a size of the commercial product~~[[;]]

a selecting device configured to automatically select the article for comparison in accordance with a type and a size of the commercial product;

wherein the image of the commercial product and the image of the article for comparison are displayed under a same scale on said one screen, and a positional relationship between the image of the commercial product and the image of the article for comparison on the screen can be changed by a request of a terminal apparatus.

Claim 8 has been amended to be the following:

A computer program product for a terminal apparatus, used in an electronic catalogue system, for displaying on one screen an image of a commercial product and a an image of an article for comparison in order for a viewer of the one screen to acquire a visual recognition of the size of the commercial product as compared to the size of the article for comparison, the computer program product comprising:

a computer readable storage medium having a computer program stored thereon for causing the terminal apparatus to execute the operations of:

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reading three-dimensional data of the commercial product and three-dimensional data of the article for comparison,

generating an observation image in which the commercial product and the article for comparison are located at predetermined positions based on the read three-dimensional data of the commercial product and three-dimensional data of the article for comparison,

displaying the generated observation image on said one screen; and

~~a dispose device for~~ automatically selecting the article for comparison in accordance with a type and a size of the commercial product[[:]]

wherein the image of the commercial product and the image of the article for comparison are displayed under a same scale on said one screen, and a positional relationship between the image of the commercial product and the image of the article for comparison on the screen can be changed by a request of a terminal apparatus.

Claim 10 has been amended to be the following:

A computer program product for a terminal apparatus, used in an electronic catalogue system, for displaying an image of a commercial product on a screen and an image of an article for comparison in order for a viewer of the screen to acquire a visual recognition of the size of the commercial product as compared to the size of the article for comparison, the computer program product comprising:

a computer readable storage medium having a computer program stored thereon for causing the terminal apparatus to execute the operations of:

reading data for generating the image of the commercial product and data for generating the image of the article for comparison,

generating an observation image in which the commercial product and the article for comparison are located at predetermined positions based on respective read data, [[and]]

automatically selecting the article for comparison in accordance with a type and a size of the commercial product, and

changing a positional relationship between the commercial product and the article for comparison and updating the observation image[[,]];

wherein the image of the commercial product and the image of the article for comparison are displayed under a same scale on said screen, and

a positional relationship between the image of the commercial product and the image of the article for comparison on the screen can be changed by a request of a terminal apparatus. [[, and]]

~~a dispose device for automatically selecting the article for comparison in accordance with a type and a size of the commercial product.~~

Claim 13 has been amended to be the following:

A computer program product for a terminal apparatus, used in an electronic catalogue system, for displaying on a screen an image of a first commercial product, an image of a second commercial object and an image of an article for comparison in order for a viewer of the screen to acquire a visual recognition of the size of the first and second commercial products as compared to the size of the article for comparison, the computer program product comprising:

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a computer readable storage medium having a computer program stored thereon for causing the terminal apparatus to execute the operations of:

reading data for generating the image of a first commercial product and a the image of a second commercial product;

generating an observation image in which the first and second commercial products and an article for comparison are located at predetermined positions based on respective read data; and

~~a dispose device for~~ automatically selecting the article for comparison in accordance with a type and a size of the commercial product;

wherein the images of the first and second commercial products and the image of the article for comparison are displayed under a same scale on said screen, and a positional relationship between the image of the commercial product and the image of the article for comparison on the screen can be changed by a request of a terminal apparatus.

Claim 22 has been amended to be the following:

An electronic catalogue system for displaying on one screen a image of a commercial product and an image of an article for comparison in order for a viewer of the one screen to acquire a visual recognition of the size of the commercial product as compared to the size of the article for comparison, comprising:

a server comprising

a reader configured to read ~~for reading~~ three-dimensional data of the commercial product and three-dimensional data of the article for comparison;

an observation image generator configured to generate ~~for generating~~ an observation image in which the image of the commercial product and the image of the article for comparison are located at predetermined positions based on the read three-dimensional data of the commercial product and three-dimensional data of the article for comparison; and

a selecting device configured to automatically select the article for comparison in accordance with a type and a size of the commercial product;

a displaying device configured to display ~~for displaying~~ the generated observation images ~~[[image]], the~~ ~~[[said]]~~ displaying device including the ~~[[said]]~~ one screen on which the image of the commercial product and the image of the article for comparison are displayed under the same scale;

a terminal apparatus from which a positional relationship between the image of the commercial product and the image of the article for comparison on the screen can be changed by request of the terminal apparatus; and

~~a dispose device for automatically selecting the article for comparison in accordance with a type and a size of the commercial product~~ ~~[[;]]~~

a communication line connecting the server and the terminal apparatus;

~~wherein the image of the commercial product and the image of the article for comparison are displayed under a same scale on said one screen of the displaying device~~ ~~[[,]]~~ the image of the commercial product and the image of the article for comparison do not overlap with each other in an observation window ~~[[,]]~~ and the observation image does not deviate from the observation window ~~[[;]]~~ ~~and a positional relationship between the image of the commercial product and the~~

~~image of the article for comparison on the screen can be changed by a request of a terminal apparatus.~~

Claim 24 has been amended to be the following:

The electronic catalogue system according to claim 23, wherein a size of the image of the article for comparison is changed to be smaller when the image of the article for comparison is moved backward, and a size of the image of the article for comparison is changed to be larger when the image of the article for comparison is moved forward.

Claim 25 has been amended to be the following:

An electronic catalogue system for displaying on one screen an image of a commercial product and an image of an article for comparison in order for a viewer of the one screen to acquire a visual recognition of the size of the commercial product as compared to the size of the article for comparison, comprising ~~comparing~~:

a server comprising

a reader configured to read for reading three-dimensional data of the commercial product and three-dimensional data of the article for comparison;

an observation image generator configured to generate for generating an observation image in which the image of the commercial product and the image of the article for comparison are located at predetermined positions based on the read three-dimensional data of the commercial product and three-dimensional data of the article for comparison; and

a selecting device configured to automatically select the article for comparison in accordance with a type and a size of the commercial product; and

a displaying device configured to display for displaying the generated observation images ~~[[image]]~~, and displaying device including the ~~[[said]]~~ one screen on which the image of the

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commercial product and the image of the article for comparison are displayed under the same scale. [[; and]]

~~a device for automatically selecting the article for comparison in accordance with a type and a size of the commercial product [[;]]~~

~~wherein the electronic catalogue system provides the article for comparison which size is predetermined in the electronic catalogue system.~~

REASONS FOR ALLOWANCE

Claims 1-3, 5-8, 10, 11, 13, 15-19 and 22-27 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1

The prior art of record neither anticipates nor fairly and reasonably teaches the electronic catalogue system for displaying on one screen an image of a commercial product and an image of an article for comparison as claimed in claim 1. In particular, the prior art does not anticipate nor fairly and reasonably teach a system with a server comprising a reader configured to read three-dimensional data, an observation image generator configured to generate an observation image, and a selecting device configured to automatically select the article for comparison in accordance with a type and size of the commercial product; a displaying device configured to display the generated observation images, the displaying device including the one screen on which the image of the commercial product and the image of the article for comparison are displayed under the same scale; a terminal apparatus from which a positional relationship between the image of the commercial product and the image of the article of comparison on the screen can be changed by request of the terminal apparatus; and a communication line connecting the server and the terminal apparatus.

One of the remarkable prior arts of record, and discussed in prior Office Actions, is Feld et al., US 2001/0026272 A1 (hereafter referred to as "Feld"). Feld discloses a system for

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simulation of virtual wear articles on virtual models that displays on one screen images of a commercial product and an article for comparison including a reader configured to read three-dimensional data of a commercial product, i.e. clothing, and three-dimensional data of an article for comparison, i.e. a model (§§0035, 0039 and 0040), an observation image generator configured to generate an observation image in which the image of the commercial product and the image of the article for comparison are located at predetermined positions based on the read three-dimensional data of the commercial product and three-dimensional data of the article for comparison (§§0040 and 0049), and a displaying device configured to display the generated observation images, said displaying device including said one screen, the displaying device including the one screen on which the image of the commercial product and the image of the article for comparison are displayed under the same scale (Fig. 4 and §§0036-0037, 0040 and 0049). However, Feld does not anticipate nor fairly and reasonably teach a selecting device configured to automatically select the article for comparison in accordance with a type and size of the commercial product nor a terminal apparatus from which a positional relationship between the image of the commercial product and the image of the article of comparison on the screen can be changed by request of the terminal apparatus.

Another remarkable prior art of record, and discussed in the previous Office Action, is Bornstein, US 6,144,388 (hereafter referred to as "Bornstein"). Bornstein discloses a system and process for displaying articles of clothing on a person including displaying an image of a commercial product (i.e. clothing or eyeglasses) with an article for comparison (i.e. an image of a person and/or his face) under a same scale wherein a positional relationship between the image

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of the commercial product and the image of the article for comparison on the screen can be changed by a request of a terminal apparatus (col. 20, lines 11-16 and 31-47 and col. 25, line 63 through col. 26, line 25). However, Bornstein does not anticipate nor fairly and reasonably teach a selecting device for automatically selecting the article for comparison in accordance with a type and size of the commercial product.

Another remarkable prior art of record is Carlin, US 2002/0093538 A1 (hereafter referred to as "Carlin"). Carlin discloses a method and system for network-linked interactive three-dimensional composition and display of commercial products that interactively selects furnishing or other objects, and receives and displays virtual-reality photorealistic images of rooms with such furnishings for a customer to view a product, such as furniture, within a selected scene to allow in-context visualization. The images of the products and settings are generated as three-dimensional images from data, are displayed on one screen and can be manually manipulated at the terminal apparatus to change the positions and orientations of the product in relation to the setting (§§0062,-0064, 0077-0084, 0095-0102 and 0111-0114). However, Carlin does not anticipate nor fairly and reasonably teach a selecting device configured to automatically select the article for comparison in accordance with a type and size of the commercial product.

Claims 2, 3, 5, 6, 15, 23 and 24

Claims 2, 3, 5, 6, 15, 23 and 24 are dependencies of independent claims 1 and are allowable over the prior art for the reasons identified above with respect to claim 1.

Claim 7.

Claim 7 recites a server computer used in an electronic system for displaying on one screen an image of a commercial product and an image of an article for comparison. The server computer is consistent with and parallel to the limitations of the server of claim 1. This server computer is allowable over the prior art for reasons consistent with those identified above with respect to claim 1.

Claim 8.

Claim 8 recites an article of manufacture of a computer program product for a terminal apparatus used in an electronic catalogue system for displaying on one screen an image of a commercial product and an image of an article for comparison. The product comprises a computer readable medium having a program stored therein which causes the terminal apparatus to execute operations that are consistent with and parallel to the functionalities and limitations of claim 1. This article of manufacture is allowable over the prior art for reasons consistent with those identified above with respect to claim 1.

Claim 10.

Claim 10 recites an article of manufacture of a computer program product for a terminal apparatus used in an electronic catalogue system for displaying on one screen an image of a commercial product and an image of an article for comparison. The product comprises a computer readable medium having a program stored therein which causes the terminal apparatus to execute operations that are consistent with and parallel to the functionalities and limitations of

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claim 1. This article of manufacture is allowable over the prior art for reasons consistent with those identified above with respect to claim 1.

Claims 11 and 18

Claims 11 and 18 are dependencies of independent claim 10 and are allowable over the prior art for the reasons identified above with respect to claim 10.

Claim 13.

Claim 13 recites an article of manufacture of a computer program product for a terminal apparatus used in an electronic catalogue system for displaying on one screen an image of a commercial product and an image of an article for comparison. The product comprises a computer readable medium having a program stored therein which causes the terminal apparatus to execute operations that are consistent with and parallel to the functionalities and limitations of claim 1. This article of manufacture is allowable over the prior art for reasons consistent with those identified above with respect to claim 1.

Claim 16

Claim 16 is a dependency of independent claim 7 and is allowable over the prior art for the reasons identified above with respect to claim 7.

Claim 17

Claim 17 is a dependency of independent claim 8 and is allowable over the prior art for the reasons identified above with respect to claim 8.

Claim 19

Claim 19 is a dependency of independent claim 13 and is allowable over the prior art for the reasons identified above with respect to claim 13.

Claim 22.

Claim 22 recites an article of manufacture of an electronic catalogue system for displaying on one screen an image of a commercial product and an image of an article for comparison. The system is consistent with and parallel to the limitations of the system of claim 1, with the added limitation of the images not overlapping each other or deviating from an observation window. This system is allowable over the prior art for reasons consistent with those identified above with respect to claim 1.

Claim 25.

Claim 25 recites an article of manufacture of an electronic catalogue system for displaying on one screen an image of a commercial product and an image of an article for comparison. The system is consistent with and parallel to the limitations of the system of claim 1, except there is no terminal apparatus. This system is allowable over the prior art for reasons consistent with those identified above with respect to claim 1 regarding the selecting device.

Claim 26 and 27

Claims 26 and 27 are dependencies of independent claim 25 and are allowable over the prior art for the reasons identified above with respect to claim 25.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

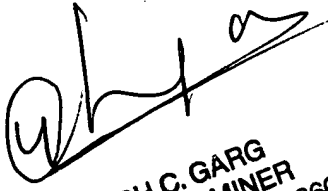
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAS

March 15, 2007



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